

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P18851WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/053228	International filing date (<i>day/month/year</i>) 02.12.2004	Priority date (<i>day/month/year</i>) 12.12.2003
International Patent Classification (IPC) or national classification and IPC H04M7/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows: <div><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <div><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/053228

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-5</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* <u>1-9</u> _____ received by this Authority on <u>30.01.2006 with letter of 30.01.2006</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/1</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/053228

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																					
1. Statement	<table><tbody><tr><td rowspan="2">Novelty (N)</td><td>Claims</td><td><u>1-10</u></td><td>YES</td></tr><tr><td>Claims</td><td><u></u></td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims</td><td><u></u></td><td>YES</td></tr><tr><td>Claims</td><td><u>1-10</u></td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims</td><td><u>1-10</u></td><td>YES</td></tr><tr><td>Claims</td><td><u></u></td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims	<u>1-10</u>	YES	Claims	<u></u>	NO	Inventive step (IS)	Claims	<u></u>	YES	Claims	<u>1-10</u>	NO	Industrial applicability (IA)	Claims	<u>1-10</u>	YES	Claims	<u></u>	NO
Novelty (N)	Claims		<u>1-10</u>	YES																		
	Claims	<u></u>	NO																			
Inventive step (IS)	Claims	<u></u>	YES																			
	Claims	<u>1-10</u>	NO																			
Industrial applicability (IA)	Claims	<u>1-10</u>	YES																			
	Claims	<u></u>	NO																			
2. Citations and explanations (Rule 70.7)	<p>This report makes reference to the following documents (D1-D2) :</p> <p>D1: US 2002/101961 A1 (KARNIK GERHARD EUGENE ET AL) 1 August 2002 (2002-08-01)</p> <p>D2: US 2002/150086 A1 (BAILEY WILLIAM B ET AL) 17 October 2002 (2002-10-17)</p> <p>1.1 The subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3) .</p> <p>D1, which is considered to be the closest prior art, discloses the localization of a telephone terminal for a voice connection made via a packet network (abstract and paragraph [0015]). With regard to claim 1, D1 (the references in parentheses are to D1) discloses, in particular, a method, according to which:</p> <ul style="list-style-type: none">- the telephone terminal is registered with a server operated by an internet service provider (paragraph [0005]), wherein the call																					

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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- number of the telephone terminal and (address) ~~localization~~ information allocated to the call number is stored in the server (paragraph [0013], "*The data ... includes the user's ... address, telephone number ...*"),
- during the course of a voice connection, the process of localizing the telephone terminal is triggered (paragraph [0014]),
 - for localizing the telephone terminal using the call number of the telephone terminal, a query to obtain (address) ~~localization~~ information allocated to the call number is made at the server (paragraphs [0011] and [0014]), and
 - the location of the telephone terminal is determined using [some of the] ~~the~~ localization information (paragraph [0017]).

The subject matter of claim 1 and that of D1 differ in that the address mentioned in D1 (paragraph [0013]; "*The data ... includes the user's ... address*") is not explicitly used for the localization of the telephone terminal because the caller provides additional localization information at the time at which the call is made (paragraph [0016]; "*The operator ... receives data ... from the user. The data preferably includes information such as the nature and the location of the emergency*"). However, D1 claims "*the operator*

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p><i>selecting one of a predetermined set of emergency numbers based on the data received from the user <u>or the user database</u>" (claim 1, step D) and it would therefore be obvious to a person skilled in the art to store detailed localization information in the server already at the time of registration so that the information would be immediately available at the time an emergency call is made. D2 describes, for example, the storage of localization information in a server for emergency call purposes (paragraph [0022]; "Registering communication device ... store such location information in a server in order to maintain a central storage and retrieval server", paragraph [0026]; "location information (... site address, site building, site floor, site wing ...) Emergency Response Location Information (Information usually used by emergency personnel to locate a person or entity) ... store such information ... in server").</i></p> <p>2. The additional features of claims 2 to 4 (paragraphs [0008] to [0010]), claim 5 ([0014]), claim 9 (abstract) and claim 10 (implicit and does not technically limit the method) are all known from D1, and claims 2 to 5, 9 and 10 are therefore not inventive within the meaning of PCT Article 33(3).</p> <p>3. Although D1 does not explicitly state that the localization process is triggered in a switching system responsible for putting through incoming</p>

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	<p>calls to a terminal connected to a TDM network, D1 does disclose in paragraph [0005] that</p> <p><i>"communications between the user and the operator are established through a telephone call over the wide area data network or through the telephone network"</i>. It would therefore be obvious for a person skilled in the art to also adapt the method to the situation where the "operator station" is located in the TDM network. Claim 6 is therefore not inventive.</p> <p>4. D1 does not mention how the localization information is sent to the terminal. However, the various data transmission options, such as email, SMS or fax, are conventional design options for a person skilled in the art. The subject matter of claim 7 therefore does not involve an inventive step.</p> <p>5. The method described in D1 assumes that the call number of the calling terminal is already known and it is therefore not necessary to store the packet network address of the device in the database. If this should not be the case, however, a person skilled in the art would consult D2, which discloses a similar method and in which the network address is stored (paragraphs [0022] and [0026]). Claim 8 is therefore not inventive.</p>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/053228

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Independent claim 1 has not been drafted in the two-part form defined by PCT Rule 6.3(b).
2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 and D2 or indicate the relevant prior art disclosed therein.